

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – September 15, 2009**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:30 P.M.

Roll Call: Cioni, Boyle, Higgins, McDonald, Gleba
Housel – 8:30 p.m.
Valentine - Absent

Also Present: Judy Kopen , Esq. Municipal Attorney
Rich Phelan, Borough Manager
Kristine Blanchard RMC, Borough Clerk

Mayor McDonald led everyone in the flag salute.

Mayor McDonald read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

MINUTES:

Mayor McDonald entertained additions or corrections to the minutes of the Regular Meeting held September 1, 2009.

The Borough Clerk noted several changes presented by Councilwoman Gleba.

Hearing no further changes, it was moved by Boyle, seconded by Gleba that the minutes be approved.

Ayes: 5, Nays: 0
Motion Carried

COUNCIL APPEARANCE:

John Burd – Department of Public Works

Mr. Burd suggested to Council that they consider oil and chipping the Borough roads next year that are in need. Councilman Higgins asked what the cost difference is

between oil and chipping and blacktop. Mr. Burd stated that blacktop is approximately \$7500.00 and oil and chipping is much less expensive. Mr. Burd explained that the oil and chipping lasts for about two years. Councilman Cioni commended Mr. Burd and his staff on how fantastic the Borough Park looked this year. They did a fantastic job. Councilman Boyle asked Mr. Burd if everything was in order for snow plowing this year. Mr. Burd stated they may have some trouble; they are short one worker and have also taken on the school responsibilities as well. Mr. Burd stated they may have to let the alleys go this year. He stated there are several options that need to be explored such as the use of volunteers and contractors.

Mayor McDonald thanked Mr. Burd for his presentation.

COMMUNICATIONS:

Motion made by Higgins, seconded by Cioni to receive and file the communications.

Ayes: 5, Nays: 0
Motion Carried

Councilman Higgins noted Mr. Lowcher's client is requesting a right of way at Block 61 Lot 10. Manager Phelan stated that if this is Council's desire everything could be addressed in a Resolution. Councilman Higgins motioned that Manager Phelan reach out to Attorney Lowcher for more information, seconded by Councilwoman Gleba.

Ayes: 5, Nays: 0
Motion Carried

AUDIENCE:

Mary Finnegan 23 Youmans Ave

Ms. Finnegan stated that earlier in the year she had come before Council to introduce the idea of a Washington Borough community garden sponsored by the Key Club. Ms. Finnegan handed out additional information to Council outlining the site. She explained the garden would be directly in front of the Washington Garden Apartments. About eighty five garden plots could be created. The first year twenty to thirty plots would be created. Each participant would have to sign an agreement outlining the general rules and pay a fee of \$25.00 to \$30.00. Ms. Finnegan stated she has received an estimate from the water company of \$3700.00 for installing the water line. This would be the biggest expense in addition to fencing. Ms. Finnegan explained that she is hoping to cover the expense of fencing through a number of ways. Either through discounted pricing, donations, grant opportunities, and Key Club funds. Ms. Finnegan stated they are also creating an advisory board to assist the Key Club. Members recruited so far include

Christina Woykowski, Gary Pohorley, Gary Detrich, and Barbara Rose. She also stated that Rutgers University expressed an interest in doing an educational piece on the garden when it is completed. Ms. Finnegan stated that this project has numerous benefits for the community and would be a positive for the Borough through the reduction of food budgets and the conservation of resources. Ms. Finnegan stated she has discussed the project with the recreation committee and the park director endorses the project. The recreation committee will be sending a representative to the advisory board meetings. Ms. Finnegan asked if anyone from Council would be interested in joining the advisory board. Councilman Boyle stated he would join the board and it may also be beneficial that he is a member of the Rotary Club as well. Ms. Finnegan stated that would be extremely helpful. Ms. Finnegan stated that she is looking for a committed interest from the Governing Body. Manager Phelan stated he has reached out to the Insurance company regarding the liability and is waiting to hear back. Ms. Finnegan asked if the commitment from the governing body could be memorialized in the form of a resolution of the Governing Body at the next Council meeting. Christina Woykowski stated that she had done some research and has found out the USDA fully supports this kind of project and is offering grants and technical assistance. They also have individuals in all states that are master gardeners. This would be a good person to invite to an advisory board committee meeting. Mayor McDonald stated the Borough does need to make sure we are protected; but we do support what you have and once we have the information from the insurance company we can go forward with the resolution. Councilwoman Gleba commended Ms. Finnegan for doing her homework prior to her presentation.

Tom Bray 176 Broad Street

Mr. Bray stated that he has a concern regarding the property at 103 Broad Street. This property has fallen into disrepair and is an increasing eyesore in the neighborhood. He also stated that this is an income producing property and he would like to know how the town could let this happen. Mayor McDonald stated that he would have the Borough Manager address his concerns. Mr. Bray also complimented the town on the great job they are doing downtown.

Vince Smith Johnston Street

Mr. Smith inquired about the status of any capital projects planned for the roads within the borough. He stated that every road in this town is getting worse. Grand Avenue is terrible along with Warren and Stewart St. Councilman Cioni stated that all capital projects have been put on hold due to the costs. Mr. Smith stated the town needs to look into tarring and chipping some of these roads before they get worse. Mr. Smith also commented on the town not snow plowing the alleys. People use the alleys to park their cars during a snow storm. If the town is not going to plow the alleys how do they expect emergency vehicles to get through. Mr. Smith also commented on the police merger. He feels that this should have been brought to the people of the borough for a vote. Mayor McDonald explained that one of the reasons the people elect the Council is to do these types of these things and make efficiencies in government as best as they see fit.

Dana Mosk 68 Lenape Trail

Ms. Mosk stated that in 2006 she purchased her property. At the time of the purchase she had been under the impression that the fence and the shed existing on the property had been approved by the town. She has since been told that she needs permission to keep the shed. She is bringing this to Council's attention because she keeps getting letters in the mail and is concerned about the possibility of litigation. Manager Phelan explained to Ms. Mosk that her property is one of five with the same issue. Once all five properties are heard from he will let her know the date that council will take action.

ORDINANCES

None

REPORTS:

Motion made by Cioni, seconded by Gleba to receive and file the following reports.

1. Issues and Details Report
2. Fire Prevention Monthly Report
3. Tax Collectors Revenue
4. Zoning /Code Enforcement Report

Councilman Boyle asked if the addresses are obtained when entering information into the issues and details report. Manager Phelan stated yes, this report to Council is just a summary.

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: No Report

Sewer Committee: No Report

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: No Report

Senior Services: No Report

Website Committee: - Councilman Cioni noted that there is a survey on the website asking for feed back regarding making improvements to the website.

Concession Stand Committee – No Report

Recreation Report – No Report

VOUCHERS AND CLAIMS

Mayor McDonald entertained questions or additions to the vouchers and claims for payments that were not previously addressed before the meeting. Motion made by Higgins, seconded by Boyle to pay the vouchers and claims in the amount of \$2,363,169.13.

Councilman Higgins asked if this was going to be the last bills by Hatch Mott McDonald and Jersey Professional Management. Manager Phelan stated he couldn't answer that with any certainty. Councilman Higgins suggested reaching out to them to see if there are any other outstanding bills. Councilman Higgins also asked when the check would be ready for Pierce. Manager Phelan stated the check would be ready by 10:00 a.m.

Councilman Boyle inquired about the police vehicle maintenance charge. Manager Phelan stated the Police Chief is still on the payroll until December and is using the car.

Roll Call: Boyle, Gleba, McDonald, Housel, Cioni, Higgins
Gleba – Abstained from soccer payments
Higgins – No to Hatch Mott McDonald

Ayes: 6, Nays: 0
Motion Carried

OLD BUSINESS:

None

NEW BUSINESS

Comcast – Citizen Committee for Renewal of Franchise

Ms. Kopen explained to the Governing Body that the Comcast Franchise is up in two years. A new agreement between the Borough and Comcast will need to be prepared. Ms. Kopen explained that it is the firm's recommendation to form a volunteer cable subcommittee of residents to hear concerns and prepare suggestions for Council. The subcommittee would act as a liaison between the municipality and Comcast. Ms. Kopen stated that the municipality is very limited in what it can control in the franchise agreement; however it is an opportunity for the Borough citizens to address concerns. Sandy Cerami stated that Mark Mulligan would be a great member of the citizens committee. Ms. Kopen stated that the citizens committee should also contain a member of the Governing Body.

A motion to create the cable T.V. advisory committee was made by Cioni, seconded by Boyle and approved.

Resolution 176-2009 Refund Overpayment of Taxes for 2009

Resolution 176-2009 was moved on a motion made by Higgins, seconded by Cioni and adopted.

Roll Call: Higgins, Cioni, Boyle, Housel, McDonald, Gleba

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 176-2009

A RESOLUTION TO REFUND OVERPAYMENT

ON 2009 CURRENT YEAR REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$2,360.51 on 2009 3rd Quarter Regular Taxes paid on property located at 21 Marble Street, also known as Block 100 Lot 50, and in the name of Huertas, Jorge L; and

WHEREAS, Mr. Jorge L Huertas and First American Real Estate Tax Service had both paid the 3rd 2009 Taxes; with Mr. Huertas paying first and First American paying by diskette for several properties which included the Huertas property; and

WHEREAS, the Tax Collector has received a written request from Mr. Jorge L Huertas requesting that the tax overpayment be refunded since his mortgage company is indeed making the payments that were escrowed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize

the Tax Collector and Treasurer to refund the amount of \$2,360.51 payable to:

Jorge L Huertas
21 Marble Street
Washington, NJ 07882

Resolution 177-2009 Redemption of Tax Sale Certificate

Resolution 177-2009 was moved on a motion made by Higgins, seconded by Cioni and adopted.

Roll Call: Higgins, Cioni, Boyle, Housel, McDonald, Gleba

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION #177-2009

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL MEN BY THESE PRESENTS, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 4, 2008 to CCTS Capital LLC, 1415 Route 70 East, Suite 504, Cherry Hill, NJ 08034, in the amount of \$4,869.98 for taxes or other municipal liens assessed for the year 2007 in the name of Crosby, Russell A & Illona, as supposed owners, and in said assessment and sale were described as 74 E Church Street, Block 27.02 Lot 8, which sale was evidenced by Certificate #08-00447; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 09-15-09 and before the right to redeem was cut off, as provided by law, LPS Tax Service, claiming to have an interest in said lands, did redeem said lands claimed by CCTS Capital LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$13,507.77, which is the amount necessary to redeem Tax Sale Certificate #08-00447.

NOW THEREFORE BE IT RESOLVED, on this 15th day of September, 2009 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to CCTS Capital LLC, 1415 Route 70 East, Suite 504, Cherry Hill, NJ 08034 in the amount of \$13,507.77.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 27.02 Lot 8 from the tax office records.

Resolution 178-2009 Redemption of Tax Sale Certificate

Resolution 178-2009 was moved on a motion made by Boyle, seconded by Cioni and adopted.

Roll Call: Cioni, Boyle, Housel, McDonald, Gleba
Higgins - Abstain

Ayes: 5, Nays: 0
Abstain: 1
Motion Carried

RESOLUTION # 178-2009

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL MEN BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, was sold on December 4, 2008 to Tax Lien

Consulting LLC, 10 Adam Labar Road, East Stroudsburg, PA 18302, in the amount of \$118.96 for taxes or other municipal liens assessed for the year 2007 in the name of Ingram, Nicholas, as supposed owners, and in said assessment and sale were described as 4 East Gardners Court, Block 101.01 Lot 14, which sale was evidenced by Certificate #08-00462; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 09-03-09 and before the right to redeem was cut off, as provided by law, First American Real Estate Tax Service claiming to have an interest in said lands, did redeem said lands claimed by Tax Lien Consulting LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$187.67, which is the amount necessary to redeem Tax Sale Certificate #08-00462.

NOW THEREFORE BE IT RESOLVED, on this 15th day of September 2009 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Tax Lien Consulting LLC, 10 Adam Labar Road, East Stroudsburg, PA 18302 in the amount of \$187.67.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 101.01 Lot 14 from the tax office records.

Resolution 179-2009 Consolidated Change Order

Resolution 179-2009 was moved by Cioni, seconded by Gleba for discussion:

Councilman Boyle stated that Council needs to take a hard line with this. This is the last extension. Manager Phelan stated that after November 6, 2009 they will be declared in default of the contract. The Bond Company has been notified and they are

being kept in the loop as well. Councilman Higgins noted that this is the second time extension. They have already missed two completion dates.

Roll Call: Cioni, Housel, McDonald, Boyle – Yes
Gleba, Higgins – No

RESOLUTION # 179-2009
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF WASHINGTON, WARREN COUNTY
TO APPROVE A CHANGE ORDERS # 3 FOR
CONSOLIDATED BUILDING CORPORATION.

WHEREAS, the Borough of Washington awarded a contract to Consolidated Building Corp. to construct a public works garage and salt storage on December 18, 2007; and

WHEREAS, from time to time during the construction process, various field changes and adjustments are necessary, which resulted in Change Order's # 1 & 2 approved via Resolution 206-2008; and

WHEREAS, the Borough Engineer and Borough Manager have deemed that it is in the best interest of all parties to extend the contract deadline to November 6, 2009 in accordance with the terms in the Borough Manager's August 16, 2009 letter; and

WHEREAS, the authorization of this Change Order will not alleviate Consolidated Building Corp from addressing and correcting all punch-list items that are discovered during final inspections, maintenance bond requirements, and any other items addressed in the bid specifications.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Change Order 3 extending the completion date until November 6, 2009 is approved and authorize the Borough Manager to execute the change orders on behalf of Washington Borough.

Resolution 180-2009 Appointment of Library Board Member

Resolution 180-2009 was moved on a motion made by Higgins, seconded by Boyle and adopted.

Roll Call: Higgins, Boyle, Gleba, Housel, Cioni, McDonald

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 180-2009

**RESOLUTION APPOINTING A MEMBER TO THE
LIBRARY BOARD OF TRUSTEES**

WHEREAS, the Borough of Washington, Warren County, New Jersey is now governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan the Mayor of the Borough is to appoint the members of the Library Board of Trustees for Washington with the consent of the Borough Council; and

WHEREAS, the Mayor has designated the following person as his appointee; and

WHEREAS, the Council does approve of this appointment.

BE IT THEREFORE RESOLVED, that the following named person is appointed to the Library Board of Trustees, for a term ending January 1, 2014.

Ron Duryea

**Resolution 182-2009 Resolution of the Governing Body – Certification of
Annual Audit**

Councilman Higgins noted that Supplee and Clooney are not here to answer questions regarding the audit. He questioned why he does not see the Tax Anticipation Notes listed on appendix A – 3. Mr. Ferry stated that the TANS would be listed on the liability side. Councilman Higgins also questioned the surplus. Mr. Ferry explained that information is available on the profit and loss statement; this includes what you collected in full for property taxes. The Borough anticipated \$525,000 in surplus; you didn’t generate the \$525,000 back in 2008. A lot of municipalities did not due to a bad economy, interest rates, and people not paying taxes.

Resolution 182-2009 was moved on a motion made by Cioni, seconded by Housel and adopted.

Roll Call: Cioni, Housel, Gleba, McDonald, Boyle, Higgins

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 182-2009

**A RESOLUTION OF THE GOVERNING BODY
CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Borough Council of the Borough of Washington, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

ADOPTION OF 2009 MUNICIPAL BUDGET

Public Hearing on 2009 Budget Amendment

Hearing no comments from the public a motion was made by Cioni, seconded by Housel to close the public hearing.

Ayes: 6, Nays: 0

Motion Carried

Resolution 183-2009 Resolution to Adopt Budget Amendment

Resolution 183-2009 was moved on a motion made by Housel, seconded by Cioni and adopted.

Roll Call: Housel, Cioni, McDonald, Gleba, Higgins, Boyle

Ayes: 6, Nays: 0

Motion Carried

Resolution 184-2009 Resolution to Read Budget by Title Only

Resolution 184-2009 was moved on a motion made by Housel, seconded by Cioni and adopted.

Roll Call: Housel, Cioni, McDonald, Gleba, Higgins, Boyle

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION 184-2009

WHEREAS, N.J.S. 40A:4-8 provides that the budget may be read by title only if a resolution is passed by not less than majority of the full Governing Body, provided that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Borough Hall and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Washington in the County of Warren and State of New Jersey, that the budget shall be read by title only.

Resolution 185-2009 Adoption of 2009 Budget

Resolution 185-2009 was moved on a motion made by Housel, seconded by Cioni adopted.

Councilman Housel stated that he does not think anyone is happy with this budget. Mr. Ferry, Mayor McDonald, Manager Phelan, and Ms. Blanchard went to Trenton to petition the State of New Jersey for extraordinary aid. We were told that we would not receive the entire amount that we were asking for; however the Borough received the entire \$550,000. He stated he is not happy with the budget but we are between a rock and a hard place. Councilman Higgins asked if there was going to be anticipated surplus in this budget. Manager Phelan stated he anticipates \$180,000. Manager Phelan explained that cuts were made to the budget and a surplus of between \$150,000 and \$200,000 are anticipated. This money will be used to offset next year's budget. Mr. Ferry explained that having surplus or a fund balance is like having a savings account. The bigger the fund balance, the more cash you have on hand; this helps with the peaks and valleys of the tax collection times.

Councilman Housel asked if the budget doesn't pass; how soon will we have to re-introduce another budget. Manager Phelan said the Borough would need to re-introduce next week and it will have ramifications regarding added assessments and the timely mailing of tax bills.

Councilman Cioni noted that he has been a part of this process for six to nine months now. Discussions were had with Manager Corica and with Acting Manager Blanchard regarding the cuts that have all been implemented. It will be irresponsible to not adopt this budget. Councilman Higgins stated he disagrees and does not feel it is irresponsible.

Roll Call: Housel, Cioni, Boyle, Gleba, McDonald – Yes
Higgins – No

Ayes: 5, Nays: 1
Motion Carried

RESOLUTION #185-2009

RESOLUTION ADOPTING 2009 MUNICIPAL BUDGET

BE IT RESOLVED, by the Mayor and Common Council of the Borough of Washington, County of Warren, State of New Jersey that the **2009 Municipal Budget** herein set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums thereof set forth as appropriations and authorized of the amount of \$ 6,869,632.64 for Municipal purposes.

RECAP

Manager Phelan will follow up with Attorney Lowcher regarding the easement request. Manager Phelan will also look into the insurance requirement for the community garden. He will also verify that there will be no more outstanding bills for New Jersey Professional Management.

COUNCIL REMARKS

Councilwoman Gleba stated that given the passing of the budget this evening she feels that a communication should be prepared to send to the residents with their tax bills so that they understand some of the things that we have gone through as a council to adopt this budget and will also help them understand the debt that the Borough is facing.

Councilman Higgins asked where the Council stands with the request for proposals. Manager Phelan stated that a list of professionals will be prepared for the workshop meeting on September 29th. He also asked how many hours the new CFO will be working. Manager Phelan stated fifteen hours per week.

Councilman Boyle requested a resolution thanking the members of the Fire Department for all of their hard work in obtaining the grant received from FEMA for the purchase of the new fire truck. Motion made by Boyle, seconded by Cioni and approved.

Mayor McDonald stated that this is not the forum for the Governing Body to work out personal problems with one another. He requested that Council please respect each other when debating issues.

Hearing no further business to come before Council, it was moved by Housel, seconded by Boyle that the meeting be adjourned at 10:15 p.m.

Ayes: 6, Nays: 0.
Motion carried.

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk